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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,504	08/02/2001	Daniel R. Drake	RSW920010025US1	6105
7590	04/22/2004		EXAMINER	KENDALL, CHUCK O
Mark D. Simpson, Esquire Synnestvedt & Lechner 2600 Aramark Tower 1101 Market Street Philadelphia, PA 19107-2950			ART UNIT	PAPER NUMBER S
DATE MAILED: 04/22/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/921,504	DRAKE ET AL. <i>[Signature]</i>
	<b>Examiner</b>	<b>Art Unit</b>
	Chuck O Kendall	2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extension of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 August 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)              |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____.  |

***DETAILED ACTION***

1. This action is in response to the application filed 08/02/01.
2. Claims 1 - 28 have been examined.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 – 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Shrader et al. USPN 5,867,713 (hereinafter “Shrader”).

Regarding claims 1 & 8, Shrader anticipates a method (24: 1 – 25: 10), system (25:10 – 26:5) and computer program product (26:5 – 33) of integrating the installation, on one or more target machines, of software prerequisites with a **to-be-installed (TBI)** (2: 47, see **to be installed as well**) software application, comprising the steps of:

**determining if said TBI software application requires any software prerequisites** (2: 30 – 35, for prerequisite objects and also refer to 2: 47 – 50, for **prevalidated**);

obtaining all required software prerequisites (2: 35 – 37, see necessary files to install);

creating a super image comprising the TBI software application wrapped with said software prerequisites (for super image, see 2: 40 – 45, for install plan object); and

distributing said super image to all machines on which said software application is to be installed (2:45 – 48, see application **program to be installed**).

Regarding claims 2 & 9, a method as set forth in claim 1, wherein said step of creating a super image comprises at least the steps of:

defining an object model representing the integrated software installation (for object model see, install plan object in 2: 40 – 45, for install plan object); and populating the object model with attributes and methods to describe the TBI software application and said **required software prerequisites** (2: 47 – 50 , see adding child objects to installation plan if required).

Regarding claims 3 & 10, a method as set forth in claim 2, wherein said step of creating a super image further comprises at least the step of instantiating one or more objects according to the defined object model, and wherein the populating step populates the instantiated object(s) (see 7: 23 – 26, for reuse and instances (*instantiating*) of objects for multiple plan objects).

Regarding claims 4 & 11, a method as set forth in claim 3, wherein the instantiating step instantiates an object for the TBI software application and one or more component **objects for each of said prerequisites** (3: 13 – 17, see **customization**).

Regarding claims 5 & 12, a method as set forth in claim 4, further comprising the step of using the populated object model to install the TBI software application (2: 45 – 55).

Regarding claims 6 & 13, a method as set forth in claim 5, wherein the step of using the populated object model further comprises at least the steps of:

identifying one or more target machines on which the TBI software application is to be installed (8:9 – 16 & 25 – 35);

**downloading the super image** to the identified target machines (6: 15 – 18, see other workstations in the network and **receive software images**); and

performing an installation at each of the identified target machines using the downloaded super image (FIG. 10, 1015, 1025).

Regarding claims 7 & 14, a method as set forth in claim 1, wherein said super image is a temporary file that is deleted from said target machines upon completion of the installation process (16:1 – 5, see removed as executed).

Regarding claim 15, the system version of claim 1, see rationale as previously discussed above.

Regarding claim 16, the system version of claim 2, see rationale as previously discussed above.

Regarding claim 17, the system version of claim 3, see rationale as previously discussed above.

Regarding claim 18, the system version of claim 4, see rationale as previously discussed above.

Regarding claim 19, the system version of claim 5, see rationale as previously discussed above.

Regarding claim 20, the system version of claim 6, see rationale as previously discussed above.

Regarding claim 21, the system version of claim 7, see rationale as previously discussed above.

Regarding claim 22, computer program product version of claim 1, see rationale as previously discussed above.

Regarding claim 23, computer program product version of claim 2, see rationale as previously discussed above.

Regarding claim 24, computer program product version of claim 3, see rationale as previously discussed above.

Regarding claim 25, computer program product version of claim 4, see rationale as previously discussed above.

Regarding claim 26, computer program product version of claim 5, see rationale as previously discussed above.

Regarding claim 27, computer program product version of claim 6, see rationale as previously discussed above.

Regarding claim 28, computer program product version of claim 7, see rationale as previously discussed above.

#### ***Correspondence Information***

6. Any inquires concerning this communication or earlier communications from the examiner should be directed to Chuck O. Kendall who may be reached via telephone at (703) 308-6608. The examiner can normally be reached Monday through Friday between 8:00 A.M. and 5:00 P.M. est.

Art Unit: 2122

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached at (703) 305-4552.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

For facsimile (fax) send to central FAX number 703-872-9306 and 703-7467240 draft.

*Chuck O. Kendall*

*Software Engineer Patent Examiner*

*United States Department of Commerce*



TUAN DAM  
SUPERVISORY PATENT EXAMINER